

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BOROUGH OF NEW BRIGHTON

Plaintiff,

v.

NORFOLK SOUTHERN  
CORPORATION and  
NORFOLK SOUTHERN  
RAILWAY COMPANY

Defendants.

CIVIL ACTION NO. 08-CV-01550-GLL

JURY TRIAL DEMANDED

**STIUPULATION AND ORDER OF DISMSSAL WITH PREJUDICE**

WHEREAS, the parties have resolved and settled the above-referenced case pursuant to a Settlement Agreement between the parties dated ~~July~~ <sup>August</sup> 6, 2009;

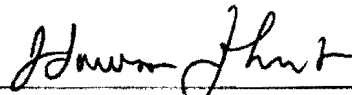
WHEREAS, the Court's Order of June 23, 2009 directed the parties to submit a stipulation and order to the Court;

WHEREFORE, the parties hereby stipulate and agree to the discontinuance and dismissal of this case with prejudice and without costs.



Kenneth Fawcett, Esquire  
Bowers Ross & Fawcett, LLC  
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Ambridge, PA 15003-0280

Attorney for the Borough of  
New Brighton, Pennsylvania



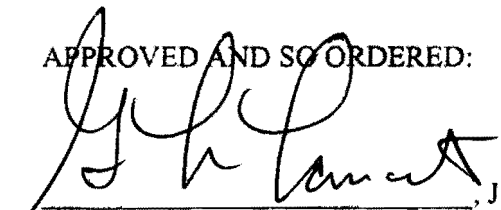
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and

John F. Gullace, Esquire  
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Bala Cynwyd, PA 19004

Attorneys for Norfolk Southern Corporation  
and Norfolk Southern Railway Company

APPROVED AND SO ORDERED:

A handwritten signature in black ink, appearing to read "Gary L. Lancaster", written over a horizontal line.

Gary L. Lancaster,  
United States District Judge

DATED : 8-20-09